

(3) (4)

WAS 2636105

BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL

BENCH AT RAIPUR (M.P.)

1. Laxman Prasad Sahu
son of Shri Ganesh Ram Sahu,
Resident of Village Bhata Post Faguran
Tahsil Shakti, Bilaspur M.P.

2. Trilochan Prasad Rathod
son of Shri Khamman Prasad Rathod,
Post Saragaon District Janjgir Champa,

3. Babulal Chandra son of
Shri Shiv Prasad Chandra,
R/O and Post Paraswani,
Viaha Dabhara District Janjgir M.P.

4. Balram Chandra
son of Shri Janakram Chandra
Resident of Sukhada Viaha Dabhara
District Bilaspur M.P.

5. Shyam Kumar Sahu
son of Shri Ghana Ram Sahu,
Resident of Village Jangahan
Post Muktakala (Malkharauda)
Tahsil Malkharauda)
District Bilaspur M.P.

... APPLICANTS

Versus

1. State of M.P.
Through Secretary,
School Education Department
Vallabh Bhawan Bhopal M.P.

2. Joint Director,
Public Instruction, Education Division,
Bilaspur (M.P.).

3. DEPUTY DIRECTOR,
Education Public Instruction
Education Department, Education District,
Bilaspur (M.P.)

.... Non applicants

28

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 2630 of 2005

Petitioners : Laxman Prasad Sahu & others
Versus
Respondents : State of M. P. (now C.G.) & others

Shri Sunil Sahu, Advocate for the petitioner.

Miss Sunita Jain, Panel lawyer for the respondents.

ORDER

(Passed on this 5th day of January, 2007)

1. Admittedly, the petitioners were appointed as Assistant Teachers on ad hoc basis in the year 1981-1982 and thereafter their services were terminated. The petitioners by this petition seek a direction to the respondents for consideration of their cases in view of the order passed in T. A. No. 496/98 and 624/97 i.e. reinstatement/reappointment of the petitioners in service.
2. In view of the settled position of law as enunciated by a Constitutional Bench of the Supreme Court in the case of **Secretary, State of Karnataka and others Vs. Umadevi¹** which was followed later on in various decisions by the Supreme Court, viz. **Accounts Officer (A&I) A.P.SRTC and others vs. P. Chandra Sekhara Rao and others²**, **Surinder Prasad Tiwari vs. U.P. Rajya Krishi Utpadan Mandi Parishad and others³**, **Nagar Mahapalika (now Municipal Corpn.) vs. State of U.P. and others⁴** and **U.P. State Road Transport Corporation vs. Man Singh⁵**, daily rated, temporary or ad hoc appointees have no right to the post as their appointment was not in accordance with the constitutional scheme of

29

the appointment and not in accordance with any Rules, Regulations, as framed under the proviso to Article 309 of the Constitution of India.

3. In the present petition, appointment of the petitioner was on ad hoc basis de-hors the constitutional scheme and as such, the appointment came to an end after the ad hoc period is over.
4. For the reasons above-stated and as per the dicta laid down by the Supreme Court, the petitioners are not entitled for reappointment/reinstatement in the service.
9. This petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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|---|-------------------|
| 1 | (2006) 4 SCC 1 |
| 2 | (2006) 7 SCC 488 |
| 3 | (2006) 7 SCC 684 |
| 4 | 2006 AIR SCW 2497 |
| 5 | 2006 AIR SCW 5159 |

Thakur